

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER,)	
DAVID STEINER,)	
STEINER ASSOCIATES, LLC,)	
<i>(Publisher of EcommerceBytes)</i>)	No. 1:21-CV-11181
Plaintiffs)	
)	
Vs.)	
)	
EBAY, INC.,)	
PROGRESSIVE F.O.R.C.E.CONCEPTS, LLC)	
DEVIN WENIG,)	
STEVE WYMER,)	
JAMES BAUGH,)	
DAVID HARVILLE,)	
BRIAN GILBERT,)	
STEPHANIE POPP,)	
STEPHANIE STOCKWELL,)	
VERONICA ZEA,)	
PHILIP COOKE,)	
JOHN AND JANE DOE,)	
)	
Defendants)	

MOTION TO DISMISS BY DEFENDANT VERONICA ZEA

Defendant Veronica Zea moves to dismiss ten of the twelve claims brought against her by Ina and David Steiner and Steiner Associates, LLC (collectively, “Plaintiff”). These ten claims – Count Two (stalking); Count Three (civil RICO); Count Four (Massachusetts Civil Rights Act); Count Five (defamation); Count Six (trespassing); Count Seven (false imprisonment); Count Eight (vandalism); Count Ten ((Massachusetts General Law Ch. 93A, Section 11); Count Eleven (tortious interference with business relations) and County Twelve (ratification) – all fail as a matter

of law as pled against Veronica Zea and must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

As noted in the dismissal motions filed on behalf of defendants Brian Gilbert and Stephanie Popp, the Complaint on file herein indiscriminately brings all twelve claims against “all Defendants” despite a lack of specific allegations against Veronica Zea with respect to her alleged role in most of the claims alleged. The Complaint’s broad brushed approach to pleading fails to put Zea on notice as to how she is allegedly liable under each cause of action, and therefore fails to supply the basic requirement of notice pleading under Rule 8(a) of the Federal Rules of Civil Procedure. With respect to the specific acts alleged to have been committed by Veronica Zea, the Complaint fails to establish the elements of nearly all the claims Plaintiffs have asserted against her.

In support of this Motion, Defendant Zea relies on the provisions of Rule 8(a) of the Federal Rules of Civil Procedure, the Memorandum of Points and Authorities submitted herewith, the Memoranda of Points and Authorities submitted in support of the motions to dismiss submitted by the co-defendants in this matter including specifically the filing on behalf of Brian Gilbert and Stephanie Popp, the files and records in this matter and any additional information which might arise at a hearing on this Motion.

Accordingly, the defendant Veronica Zea requests that the Court dismiss claims II – XII of the Complaint for failure to state a claim upon which relief can be granted.

/s/ Frank R. Ubhaus

Frank R. Ubhaus, Esq.
BERLINER COHEN, LLP
TEN ALMADEN BOULEVARD
ELEVENTH FLOOR
SAN JOSE, CALIFORNIA 95113-2233
Tel: (408) 286-5800
Fax: (408) 998-5388
Email: frank.ubhaus@berliner.com